

AMENDMENTS TO THE DRAWINGS

Figures 9A and 9B are amended by the addition of a prior art label.

Attachment: Replacement Sheet(s)

REMARKS/ARGUMENTS

In response to the Office Action mailed February 8, 2006, Applicant amends his application and requests reconsideration. In this Amendment claims 2 and 3 are cancelled and claims 21 and 22 are added.

The Examiner required the addition of a prior art label to Figures 9A and 9B and a replacement sheet is attached. Approval is respectfully requested.

Pursuant to a species election requirement and an election, only claims 1-3 were examined. Those claims pertained at least to the alleged species of Figures 1A and 1B. In this Amendment examined claims 1-3, with some clarification, are supplied as amended claim 1. In addition, new claims 21 and 22 are added. Those claims not only depend from claim 1, meaning that claim 1 is generic as to claims 21 and 22, claims 21 and 22 read on the elected species. Therefore, those three claims should be examined as consistent with the original examination and the species elected.

In view of the combination of examined claims 1-3, only two of the original prior art rejections remain pertinent to the claims now presented. No response to the other prior art rejections is necessary or supplied. Examined claims 1-3 were rejected as unpatentable over Bausman (U.S. Patent 5,262,675) in view of Rookes (Published U.S. Patent Application 2002/0141142). Claims 1-3 were also rejected as unpatentable over Yoshida et al. (U.S. Patent 6,777,792, hereinafter Yoshida) in view of Rookes. Both rejections are respectfully traversed.

A package for an optical semiconductor device as described in claim 1 includes a stem and a lead terminal penetrating through the stem and electrically insulated from the stem. The stem and the lead terminal may be conventional. The package according to claim 1 also includes an earth conductor, i.e., ground, on the upper surface of the stem. The earth conductor has a circumferential, i.e., radial, face opposite the lead terminal for signal supply. That face extends at least 150° around the central axis of that lead terminal for signal supply. This feature of the claimed package is not present in any of the three publications applied in the two potentially pertinent rejections of the examined claims. Likewise, claim 21 describes the circumferential face as lying on the circumference of a

circle that does not exceed in diameter the diameter of the through hole of the stem where the insulator is present, insulating the lead terminal for signal supply from the stem. Figure 1B shows such a structure. This feature is, likewise, not disclosed in any of the three cited publications. Finally, the package according to claim 22 provides that the circle defining the circumferential face is coaxial with the lead terminal for signal supply. Again, this feature, illustrated in Figure 1B, is not present in any of the three publications. Therefore, no pending claim can be anticipated by nor be obvious in view of any combination of those three publications.

In the first rejection, Bausman's Figure 1 was relied upon as describing the earth conductor of examined claim 3 in the form of a conductor block 28 that allegedly surrounds at least 150° of the terminal 21. In fact, the Examiner asserted that the heat sinking support 28 of Bausman actually surrounded 180° of the terminal 21. However, no such information is present in the text of Bausman and the distorted perspective view of Figure 1 of Bausman does not permit a determination of the portion of the terminal 21 that is actually surrounded by the curved part of the support 28. Rookes does not contribute any information as to this issue because there is no element like the support 28 of Bausman in Rookes. Accordingly, no modification of Bausman with Rookes can establish *prima facie* obviousness of amended claim 1 or of dependent claims 21 and 22.

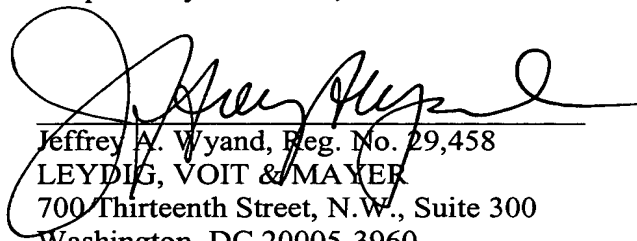
With respect to claim 21, it is apparent, based upon the offset of the support 28 from the insulator in the stem surrounding the terminal 21 in Bausman, that Bausman does not meet the limitation of claim 21. Moreover, it does not appear that the circumferential face of the support 28 in Bausman lies on a circle, much less a circle that is coaxial with the axis of the pin 21. For these additional reasons, no modification of Bausman with Rookes can meet the limitations of either of claims 21 and 22.

In the second of the rejections, reliance was placed upon Figure 13 of Yoshida. It seems apparent that no one would reasonably suggest that the recesses 73a surround any part of the terminals 15 and 16. The description of the recesses in column 17 of Yoshida does not suggest any relationship between the recesses, their positions, or their sizes relative to the terminals 15 and 16 as in the claimed invention. It certainly cannot be reasonably asserted that recesses 73a extend around at least 150° of either of the terminals

15 and 16. The offset of the recesses from the terminals and the small diameters of the recesses simply prohibit an interpretation even relating to claim 1. Therefore, no modification of Yoshida with Rookes could ever supply the final limitation of amended claim 1 and thereby suggest that claim. It is even more apparent that the diameters of the circumferential face and the insulator in the stem of Figure 13 of Yoshida bear no relationship to the limitations of claims 21 and 22. Thus, independent of the patentability of claim 1, those dependent claims are patentable over Yoshida as modified by Rookes.

For the foregoing reasons, all claims now under examination are allowable and, upon reconsideration, should be allowed. Upon allowance of claims 1, 21, and 22, the remaining claims will be cancelled.

Respectfully submitted,



Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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